

OFFICER REPORT

PROPOSAL	Lawful Development Certificate for the proposed creation of a rear single-storey pitched roof extension.
LOCATION:	73 Shaftesbury Avenue, Waterloooville, PO7 5UZ
REFERENCE NO:	APP/25/00661
APPLICANT:	Mrs K Gaston
APPLICATION TYPE:	Lawful development: Proposed use
CONSULTATION EXPIRY DATE:	29/10/2025
APPLICATION EXPIRY DATE:	01/12/2025
WARD:	Stakes
SUMMARY RECOMMENDATION:	Approve

1 Site Description

- 1.1 73 Shaftesbury Avenue is a two storey terraced dwelling to the north of Shaftesbury Avenue. The property is finished in red brickwork and white horizontal cladding boards with white uPVC fenestration under a concrete plain tile roof and has been previously extended to the rear with a conservatory, which would be demolished as part of the proposals. The rear garden, as measured from the back of the original house, is approximately 11m long and 7.1m wide and backs on to a private parking court. There is an approximately 1.8m high brick wall to the rear boundary with a pass gate set within it.
- 1.2 The area immediately surrounding the application site is residential and is comprised of properties of a similar age and type to the host dwelling, interspersed by lawned areas and parking courts connected by small footpaths.

2 Planning History

Is there any planning history relevant to the current application?

No relevant history.

3 Proposal

Lawful Development Certificate for the proposed creation of a rear single-storey pitched roof extension.

4 Policy Considerations are not applicable to the application

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5 Statutory and Non Statutory Consultations

5.1 Not required, however consultation was carried out as follows:

Councillor Simon Hagan No comments received.
Councillor Elizabeth Lloyd No comments received.
Councillor Sarah Milne No comments received.

6 Community Involvement

6.1 Not required for a Certificate of Lawfulness application.

7 Legal Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development

7.2 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

(ii) Whether the proposal would need Planning Permission

7.3 The proposed extension to the driveway has been assessed against Part 1 of Schedule 2 – Class A.

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1. Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); N/A

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed

50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); N/A

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; N/A*
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; N/A*
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—*
 - (i) forms the principal elevation of the original dwellinghouse; or N/A*
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse; N/A*
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—*
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*
 - (ii) exceed 4 metres in height;*

The proposed addition would extend beyond the rear wall of the original dwellinghouse by 3m and would be approximately 3.4m to the ridge of the monopitch roof.

- (g) ...for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—*
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or N/A*
 - (ii) exceed 4 metres in height; N/A*
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—*
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;*

The proposal is at single storey only

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*

The eaves of the proposed extension would be approximately 2.5m in height.

(j) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*

- (i) *exceed 4 metres in height,*
- (ii) *have more than a single storey, or*
- (iii) *have a width greater than half the width of the original dwellinghouse;*

The proposal is to the rear only.

(ja) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);* **N/A**

(k) *it would consist of or include—*

- (i) *the construction or provision of a verandah, balcony or raised platform,* **N/A**
- (ii) *the installation, alteration or replacement of a microwave antenna,* **N/A**
- (iii) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or* **N/A**
- (iv) *an alteration to any part of the roof of the dwellinghouse, or* **N/A**

(l) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).* **N/A**

7.4 The dwellinghouse is not on article 2(3) land.

7.5 Class A is subject to conditions as set out below:

A.3. Development is permitted by Class A subject to the following conditions—

(a) *the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*

The materials would match those of the existing dwelling.

(b) *any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—* **N/A**

- (i) *obscure-glazed, and*
- (ii) *non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and*

(c) *where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.* **N/A**

7.6 The proposal would not exceed the limits in paragraph A.1 (f).

8 Conclusion

8.1 The proposed development falls within permitted development regulations as set out in Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/25/00661.

FIRST SCHEDULE:

This certificate relates to the following development:

Lawful Development Certificate for the proposed creation of a rear single-storey pitched roof extension as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This certificate relates to land at 73 Shaftesbury Avenue, Waterloooville, PO7 5UZ as shown edged red on the submitted Location Plan.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the use/development specified in the First Schedule taking place on land described in the Second Schedule would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not be liable to enforcement action under part 7 of the 1990 Act.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.

- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun in any of the matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Secretary of State if you are aggrieved by the Council's decision.